

**PORZIO, BROMBERG & NEWMAN P.C.**

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Attorneys for Defendant  
*DHL Express (USA), Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

NOAM MARTIN, on behalf of himself and all  
other persons similarly situated,

Plaintiff,

v.

DHL EXPRESS (USA), INC.,

Defendant.

Civil Action No.: 3:21-cv-13363-PGS-TJB

**NOTICE OF MOTION TO DISMISS  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT PURSUANT TO FED. CIV.  
RULE 12(b)(6)**

TO: Stephen P. DeNittis  
DeNittis Osefchen Price, P.C.  
525 Route 73 North, Suite 410  
Marlton, NJ 08053  
*Attorneys for Plaintiff*

PLEASE TAKE NOTICE that the undersigned attorneys for Defendant DHL Express (USA), Inc., will move before the Honorable Peter G. Sheridan, U.S.D.J., at the United States District Court for the District of New Jersey, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608, for an Order granting Defendant's Motion to Dismiss the First Amended Complaint pursuant to Fed. Civ. Rule 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of the within motion, Defendant shall rely on its Memorandum of Law in Support of Defendant's Motion to Dismiss the First Amended Complaint.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is being submitted herewith.

PLEASE TAKE FURTHER NOTICE that Defendant requests oral argument.

*s/ Steven P. Benenson*

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Dated: August 20, 2021